

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COURTNEY BELL, INDIVIDUALLY AND §
A/N/F J.B. AND J.B., MINOR CHILDREN §
§
VS. § CIVIL ACTION NO. 4:16-cv-3687
§
JOWIN EXPRESS, INC. AND PAUL §
BEASLEY § JURY REQUESTED

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, JOWIN EXPRESS, INC., and hereby gives notice of its removal of Cause No. 2016-68769 filed in the 129TH Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446.

Factual Background

1. On or about August 31, 2016, Plaintiffs claim they were injured when her vehicle was struck by a Jowin Express's tractor and trailer in Harris County, Texas. Plaintiff filed suit in state court.

2. Plaintiff filed suit in state court on October 10, 2016. Service of Citation and Petition with Requests for Disclosure on Jowin Express, Inc. by service on the Texas Secretary of State on November 21, 2016. Defendant Beasley has not been served with process yet. In Plaintiff's Petition there is a monetary claim for damages in an amount no greater than \$500,000.00, which exceeds the jurisdictional minimum. The case has been on file for less than one year. Removal is both timely and appropriate.

Basis for Removal and Jurisdiction

3. This cause may be removed pursuant to 28 U.S.C. § 1441(a). “[A]ny civil action brought in State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . , to the district court of the United States for the district and division embracing the place where such action is pending.” This Court has jurisdiction over this matter under 28 U.S.C. § 1332 because there is complete diversity of citizenship and the amount in controversy is greater than \$75,000.00.

Full Diversity Between the Parties

Complete Diversity of Citizenship

4. To have diversity of citizenship, each plaintiff must have a different citizenship from each defendant. 28 U.S.C. § 1332. Complete diversity of citizenship exists between the parties as the Plaintiff and her minor children are Texas citizens and none of the Defendants are Texas citizens or corporations

5. Plaintiff, Courtney Bell and her minor children, J.B. and J.B., are citizens of the State of Texas.

6. Defendant, Paul Beasley, is a resident and citizen of the State of Mississippi.

7. Defendant, Jowin Express, Inc. is a Mississippi corporation with its principal place of business in Mississippi.

Amount in Controversy

8. In order for diversity jurisdiction to exist, the amount in controversy must exceed \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a).

9. In papers filed in State court, Plaintiff alleges damages being sought are up to \$500,000.00.

Removal is Timely and Appropriate

10. If the plaintiff creates diversity jurisdiction sometime after filing the initial complaint, the defendant has one year from the commencement of the suit to remove. 28 U.S.C. § 1446(b). A defendant has 30 days to remove a civil action after receipt of the first pleading or other paper that establishes the jurisdictional grounds. 28 U.S.C. § 1446(b). When diversity is the basis for removal, the defendant can rely on the plaintiff's voluntary assertion of damages within the complaint to meet the monetary jurisdictional requirement for diversity. *S.W.S. Erectors, Inc. v. Infax, Inc.*, 72 F.3d 489, 492 (5th Cir. 1996). "The burden of establishing subject matter jurisdiction in federal court rests on the party seeking to invoke it." *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998). Here, Plaintiff's Pleading voluntarily asserts an amount in controversy up to \$500,000.00. This removal is filed within the thirty (30) days of the service of Plaintiff's Petition. The removal is both timely and appropriate.

Jury Demanded

11. Defendants request that the case be tried before a jury.

Consent of Served Defendants

12. Defendants, Jowin Express, Inc. and Paul Beasley consent to this removal.

Compliance with Local Rule and Notice Requirements

14. Pursuant to 28 U.S.C. § 1446 and Local Rule 81, the following documents are attached to this Notice:

Exhibit A.....Plaintiff's Original Petition and Requests for Disclosure with Civil Case Information Sheet

Exhibit B.....Civil Process Request

Exhibit C.....Civil Process Pick-Up Form

Exhibit D.....Letter from Plaintiff's Counsel Regarding Paying Additional Money

Exhibit E.....Affidavit of Delivery on Texas Secretary of State on Jowin Express, Inc.

Defendants know of no orders signed by the state judge.

15. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this instrument will be given to Plaintiff. A true and correct copy of this Notice of Removal will also be attached as an exhibit with the written Notice of Removal filed with the clerk of the state court.

Respectfully submitted,

/s/ Roger D. Oppenheim

Roger D. Oppenheim
FBN: 14206
SBN: 15292400

OF COUNSEL:

LORANCE & THOMPSON, P.C.
2900 North Loop West, Suite 500
Houston, TX 77092
713/868-5560
713/864-4671 (fax)
rdo@lorancethompson.com
ATTORNEY FOR DEFENDANT
JOWIN EXPRESS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2016, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

Ms. Brenna Sanchez
The Dunk Law Firm, PLLC
4505 Caroline Street
Houston ,TX 77004
brenna@dunklawyers.com

/s/ Roger D. Oppenheim

Roger D. Oppenheim

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COURTNEY BELL, INDIVIDUALLY AND §
A/N/F J.B. AND J.B., MINOR CHILDREN §
§
VS. § CIVIL ACTION NO. 4:16-cv-3687
§
JOWIN EXPRESS, INC. AND PAUL §
BEASLEY § JURY REQUESTED

INDEX OF MATTERS BEING FILED

Defendant, JOWIN EXPRESS, INC., in connection with the removal of this case to the United States District Court for the Southern District of Texas, Houston Division, files its index of matters, as follows:

- Exhibit A Plaintiff's Original Petition and Requests for Disclosure with Civil Case Information Sheet
- Exhibit B Civil Process Request
- Exhibit C Civil Process Pick-Up Form
- Exhibit D Letter from Plaintiff's Counsel Regarding Paying Additional Money
- Exhibit E.....Affidavit of Delivery on Texas Secretary of State on Jowin Express, Inc.

Respectfully submitted,

/s/ Roger D. Oppenheim

Roger D. Oppenheim
FBN: 14206
SBN: 15292400

OF COUNSEL:
LORANCE & THOMPSON, P.C.
2900 North Loop West, Suite 500
Houston, TX 77092
713/868-5560
713/864-4671 (fax)
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ATTORNEY FOR DEFENDANT
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Ms. Brenna Sanchez
The Dunk Law Firm, PLLC
4505 Caroline Street
Houston ,TX 77004
brenna@dunklawyers.com

/s/ Roger D. Oppenheim

Roger D. Oppenheim

CAUSE NUMBER (FOR CLERK USE ONLY) 2016-68769

COURT (FOR CLERK USE ONLY) 129

STYLED Courtney Bell, Indiv & ANF of J.B. & J.B. v. Jowin Express, Inc. & Paul Beasley

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name: Brenna L. Sanchez	Email: brenna@dunklawyers.com	Plaintiff(s)/Petitioner(s): Courtney Bell, Individually	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:
Address: 4505 Caroline Street	Telephone: 713-223-1435	and ANF of J.B. and J.B., minors	Additional Parties in Child Support Case:
City/State/Zip: Houston, TX 77004	Fax: 713-223-1438	Defendant(s)/Respondent(s): Jowin Express, Inc.	Custodial Parent:
Signature: 	State Bar No: 24068039	Paul Beasley	Non-Custodial Parent:
[Attach additional page as necessary to list all parties]			

2. Indicate case type, or identify the most important issue in the case (select only 1):

Civil		Family Law	
Contract	Injury or Damage	Real Property	Marriage Relationship
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: <hr/>	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage: <hr/>	<input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <hr/>	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <hr/>
Employment	Other Civil	Related to Criminal Matters	Other Family Law
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: <hr/>	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <hr/>	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: <hr/>	<input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: <hr/>
Tax	Probate & Mental Health		
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax <hr/>	<input type="checkbox"/> Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <hr/>		
		<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: <hr/>	

3. Indicate procedure or remedy, if applicable (may select more than 1):

<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
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4. Indicate damages sought (do not select if it is a family law case):

Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
 Less than \$100,000 and non-monetary relief
 Over \$100,000 but not more than \$200,000
 Over \$200,000 but not more than \$1,000,000
 Over \$1,000,000





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this December 13, 2016

Certified Document Number: 72253549 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

2016-68769 / Court: 129

CAUSE NO.

COURTNEY BELL, Individually and
A/N/F of J.B. and J.B., minor children
Plaintiffs

IN THE DISTRICT COURT

V.

HARRIS COUNTY, TEXAS

JOWIN EXPRESS, INC. and PAUL BEASLEY

Defendants

ପାତ୍ରାବ୍ଦୀ

JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW COURTNEY BELL, Individually and A/N/F of J.B. and J.B., minor children, Plaintiffs in the above-styled cause and complains of Defendants JOWIN EXPRESS, INC. and PAUL BEASLEY and for cause would show unto the Court the following:

I. DISCOVERY LEVEL

1. Discovery is intended to be conducted under Level 2 pursuant to Tex. R. Civ. P. 190.

II. PARTIES

2. Plaintiffs are residents of Nacogdoches, Nacogdoches County, Texas.
3. Defendant Paul Beasley is a resident of Bude, Mississippi, and may be served with process by serving him at his residence address, via certified mail, return receipt requested: 26 Oak Street, Bude, MS 39630 or wherever he may be found.
4. Defendant Jowin Express, Inc. is a company doing business in the State of Mississippi. Jowin Express has no registered agent for the State of Texas, and may therefore be served with process under the Civil Practice and Remedies Code by serving the Texas Secretary of State - Service of Process at P.O. Box 12079 , Austin, TX, 78711-2079. Jowin Express's principal

business address is 1498 Hwy 13 N, Columbia, MS 37429. Its Mississippi Registered Agent is J. Stephen Kennedy: 100 Vision Drive, Ste. 400, Jackson, MS 39211.

III. JURISDICTION AND VENUE

5. The amount in controversy exceeds the minimal jurisdictional limits of this Court.
6. Venue is proper in this cause pursuant to CPRC 15.002 in Harris County, Texas because the cause of action accrued in Harris County, Texas.

IV. FACTS

7. On or about August 31, 2016, Plaintiff was traveling in the outside lane of the I-10 feeder road when Paul Beasley, acting in the course and scope of his employment for Defendant Jowin Express, Inc., turned right into a private drive from the center lane, colliding with Plaintiffs' vehicle. The incident made the basis of this suit caused significant damage to Plaintiffs' bodies. Plaintiffs continue to suffer from the severity of their injuries caused by Defendants.

V. LIABILITY OF DEFENDANTS

A. PAUL BEASLEY: NEGLIGENCE

8. The motor vehicle collision made the basis of this lawsuit, and Plaintiffs' resulting injuries and damages, were proximately caused by the negligent conduct of Defendant Paul Beasley as follows:

- a. Failing to keep a proper lookout;
- b. Failing to apply the brakes to his vehicle in a timely manner to avoid the collision in question;
- c. Failing to obey our State's traffic regulations;
- d. Making an unsafe right turn;
- e. Failing to pay attention when operating a motor vehicle on our State's public highways; and
- f. Failing to act as a person of ordinary prudence would have acted in same or similar circumstances.

9. Each of these acts and omissions, singularly or in combination with others, constituted negligence that proximately caused the occurrence made the basis of this action and Plaintiffs' injuries and damages.

B. JOWIN EXPRESS, INC.

1. Respondeat Superior

10. At the time of the collision made the basis of this suit, on or about August 31, 2016, Defendant Paul Beasley was acting in the course and scope of his employment for Jowin Express, Inc.. Accordingly, Jowin Express, Inc. is liable for Paul Beasley's actions and Plaintiff's damages.

2. Direct Negligence

11. In addition to being legally responsible for Paul Beasley's acts of negligence committed in the course and scope of his employment, Jowin Express, Inc. is independently negligent in at least the following respects:

- a. Hiring a driver that it knew or should have known was unfit and reckless;
- b. Failing to properly supervise its driver; and
- c. Failing to properly train its driver.

12. These acts and omissions were the producing and proximate cause of Plaintiffs' injuries and damages.

VI. DAMAGES

13. As a result of the negligent conduct of Defendants, Plaintiffs suffered and continue to suffer severe bodily injuries. Plaintiffs suffered and/or will suffer past and future medical expenses, past and future pain and suffering, past and future mental anguish, past and future physical impairment, and past and future lost wages and earning capacity. Plaintiffs claim for relief under Tex. R. Civ. P. 47(c)(5), in a maximum amount of \$5,000,000.00.

VII. REQUEST FOR DISCLOSURE

14. Plaintiffs requests that Defendants respond to the disclosure requests contained in Tex. R. Civ. P. 194.2(a)-(l).

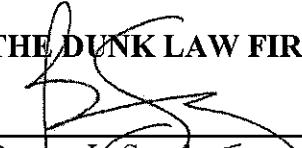
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer the Plaintiffs and that Plaintiffs have judgment against the Defendants for the following:

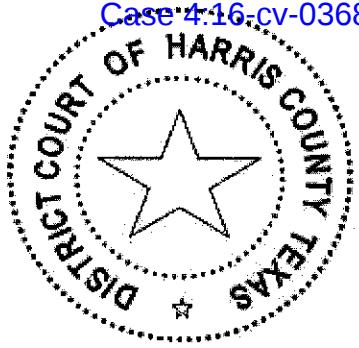
- a. Actual damages;
- b. Prejudgment and post-judgment interest;
- c. Costs of suit; and
- d. All other relief, in law and equity, to which Plaintiff may be entitled.

Respectfully Submitted,

THE DUNK LAW FIRM, PLLC



Brenna L. Sanchez
State Bar No. 24068039
4505 Caroline Street
Houston, Texas 77004
(713) 223-1435
(713) 223-1438 (fax)
brenna@dunklawyers.com



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this December 13, 2016

Certified Document Number: 72253547 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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2016-08709/Court: 129

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
 FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: _____

CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Original PetitionFILE DATE OF MOTION: 10-10-2016 Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Jowin Express, Inc.ADDRESS: P.O. Box 12079 Austin, TX 78711-2079AGENT, (if applicable): Secretary of State-Service of ProcessTYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

<input type="checkbox"/> ATTORNEY PICK-UP	<input type="checkbox"/> CONSTABLE
<input checked="" type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: <u>Lone Star Atty Service</u>	Phone: <u>Box 17</u>
<input type="checkbox"/> MAIL	<input type="checkbox"/> CERTIFIED MAIL
<input type="checkbox"/> PUBLICATION:	
Type of Publication: <input type="checkbox"/> COURTHOUSE DOOR, or	
<input type="checkbox"/> NEWSPAPER OF YOUR CHOICE: _____	
<input type="checkbox"/> OTHER, explain _____	

2. NAME: Paul BeasleyADDRESS: 26 Oak Street, Bude, MS 39630

AGENT, (if applicable): _____

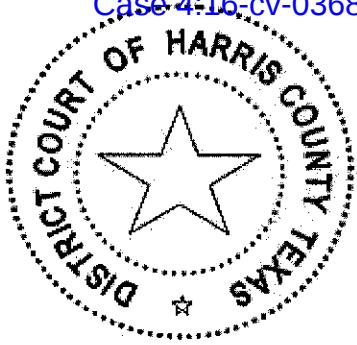
TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

<input type="checkbox"/> ATTORNEY PICK-UP	<input type="checkbox"/> CONSTABLE
<input checked="" type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: <u>Lone Star Atty Svc</u>	Phone: <u>Box 17</u>
<input type="checkbox"/> MAIL	<input type="checkbox"/> CERTIFIED MAIL
<input type="checkbox"/> PUBLICATION:	
Type of Publication: <input type="checkbox"/> COURTHOUSE DOOR, or	
<input type="checkbox"/> NEWSPAPER OF YOUR CHOICE: _____	
<input type="checkbox"/> OTHER, explain _____	

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Brenna L. Sanchez TEXAS BAR NO./ID NO. 24068039MAILING ADDRESS: 4505 Caroline Street, Houston, Texas 77004PHONE NUMBER: 713 area code 223-1435 phone number FAX NUMBER: 713 area code 223-1438 fax numberEMAIL ADDRESS: brenna@dunklawyers.com



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this December 13, 2016

Certified Document Number: 72253548 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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CHRIS DANIEL
HARRIS COUNTY DISTRICT CLERK

ENTERED
VERIFIED WC

Civil Process Pick-Up Form

CAUSE NUMBER: 2016-68769
ATY _____ CIV X COURT 129th

REQUESTING ATTORNEY/FIRM NOTIFICATION

*ATTORNEY: Sanchez, Brenna PH: 713-223-1435

*CIVIL PROCESS SERVER: Lone Star Attorney

*PH: Box 17

*PERSON NOTIFIED SVC READY:

* NOTIFIED BY: Marcella Hill

DATE: 11-11-16 2:29 pm

Type of Service Document: Secn C/fn
 Type of Service Document: C/fn
 Type of Service Document: _____
 Type of Service Document: _____

Tracking Number 73297782
 Tracking Number 73297783
 Tracking Number _____
 Tracking Number _____

Process papers prepared by: Marcella Hill

Date: 11/3/ 2016 30 days waiting 12-3-16

*Process papers released to:

(PRINT NAME)

(SIGNATURE)

*Process papers released by:

(PRINT NAME)

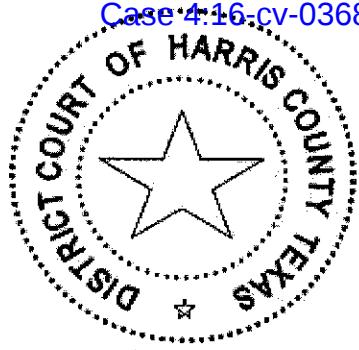
(SIGNATURE)

* Date: 11-15, 2016 Time: 10 AM / PM

RECODER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

Revised 12-





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this December 13, 2016

Certified Document Number: 72989499 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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DUNK LAW FIRM, PLLC
4505 Caroline St., Houston, TX 77004

November 11, 2016

VIA E-SERVICE

Attn: Marcella
Harris County District Clerk
201 Caroline Street
Houston, TX 77002

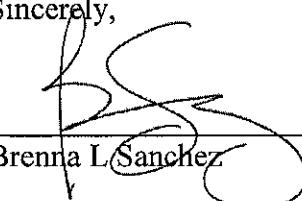
RE: **Cause No. 2016-68769**

Dear Clerk:

Please be advised we are paying the additional \$4.00 to issue citation upon the secretary of state.

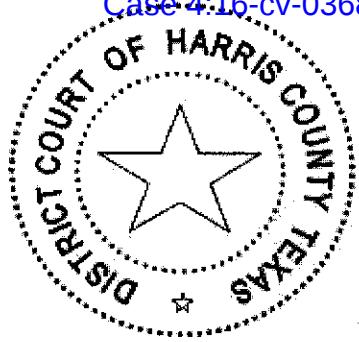
Thank you for your time and attention.

Sincerely,


Brenna L. Sanchez

BLS/





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this December 13, 2016

Certified Document Number: 72698198 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 201668769

RECEIPT NO.

0.00

CIV

TR # 73297782

PLAINTIFF: BELL, COURTNEY (INDIVIDUALLY AND A/N/F OF J B AND J B) (MINOR
 vs.
 DEFENDANT: JOWIN EXPRESS INC

In The 129th
 Judicial District Court
 of Harris County, Texas
 129TH DISTRICT COURT
 Houston, TX

CITATION (SECRETARY OF STATE NON-RESIDENT)

THE STATE OF TEXAS
 County of Harris

TO: JOWIN EXPRESS INC (A COMPANY) BY SERVING THE TEXAS SECRETARY OF
 STATE P O BOX 12079 AUSTIN TEXAS 78711-2079
 BY FORWARDING TO ITS MISSISSIPPI REGISTERED AGENT J STEPHEN KENNEDY
 100 VISION DRIVE STE 400 JACKSON MS 39211
 Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 10th day of October, 2016, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 3rd day of November, 2016, under my hand and seal of said Court.



CHRIS DANIEL, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 (P.O. Box 4651, Houston, Texas 77210)

Generated By: HILL, MARCELLA DIANA DBG//10507251

STATE OF _____

OFFICER/AUTHORIZED PERSON RETURN

County of _____

PERSONALLY APPEARED before me, the undersigned authority, _____, who being by me duly sworn, deposes and says that in the County of _____, State of _____ he delivered to the within named defendants in person at the following times and places to wit:

NAME	DATE		TIME		PLACE
	MONTH	DAY	YEAR	HOUR	

a true copy of this notice, with a copy of:

accompanying same; and further, that he is an adult and is in no manner interested in this suit and is the person competent to make oath of the fact.

On this day, _____, known by me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by _____/_____, in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, _____.

Notary Public

73297782

N.INT.SECN.P

DEFENDANT'S EXHIBIT



ALL-STATE LEGAL®

CAUSE NO. 2016-68769

COURTNEY BELL, INDIVIDUALLY AND A/N/F OF J.B.
AND J.B., MINOR CHILDREN

Plaintiff,

VS.

JOWIN EXPRESS, INC., ET AL

Defendant,

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

129TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE - CERTIFIED MAIL

On this day personally appeared ANDREW C. MANGER who, being by me duly sworn, deposed and said:

"The following came to hand on Nov 17, 2016, 10:42 am,

CITATION, PLAINTIFF'S ORIGINAL PETITION,

and was executed on Mon, Nov 21 2016 by mailing to JOWIN EXPRESS INC C/O TEXAS SECRETARY OF STATE at P.O. BOX 12079, AUSTIN, TX 78711, TRAVIS COUNTY by Certified Mail, Return Receipt Requested, Receipt No. 7016 1370 0001
4577 4890 a true copy of this citation together with the accompanying pleadings.

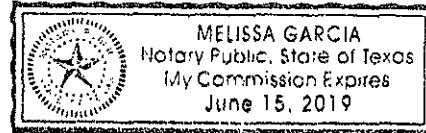
I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

ANDREW C. MANGER, SCH# 821, EXP: 07/31/2017

BEFORE ME, a Notary Public, on this day personally appeared ANDREW C. MANGER, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON 11/30/16

Notary Public, State of Texas



CAUSE NO. 2016-68769

COURTNEY BELL, INDIVIDUALLY AND A/N/F OF J.B.
AND J.B., MINOR CHILDRENPlaintiff,
VS.

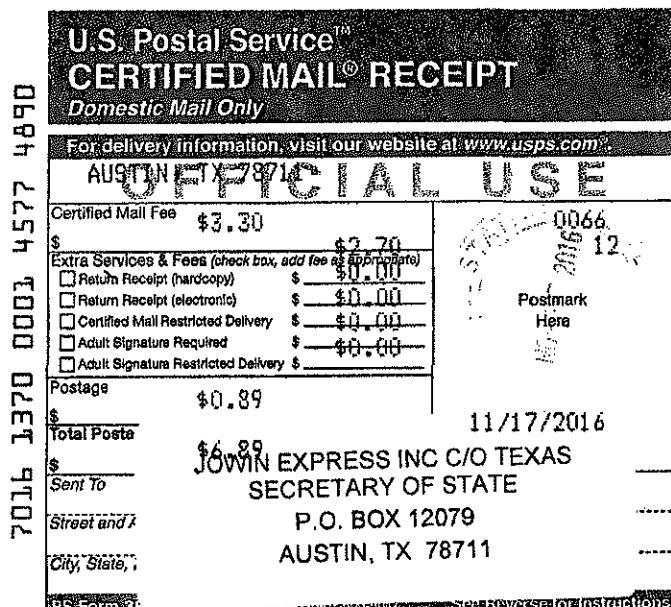
IN THE DISTRICT COURT OF

JOWIN EXPRESS, INC., ET AL

Defendant.

HARRIS COUNTY, TEXAS

129TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE - CERTIFIED MAIL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOWIN EXPRESS INC C/O TEXAS
SECRETARY OF STATE
P.O. BOX 12079
AUSTIN, TX 78711



9590 9402 1980 6123 3725 14

2. Article Number (Transfer from service label)

2016 1370 0001 4577 4890

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

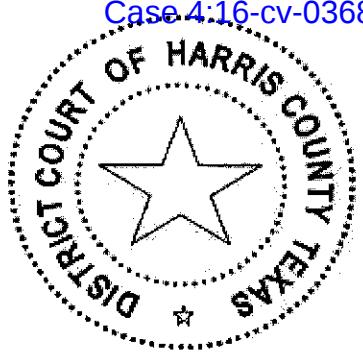
D. Is delivery address different from item 1? YesIf Yes, enter delivery address below: No

SSSD/OPA

11/17/2016

3. Service Type

Priority Mail Express®
 Adult Signature
 Registered Mail™
 Adult Signature Restricted Delivery
 Registered Mail Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this December 13, 2016

Certified Document Number: 72935852 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COURTNEY BELL, INDIVIDUALLY AND §
A/N/F J.B. AND J.B., MINOR CHILDREN §
§
VS. § CIVIL ACTION NO. 4:16-cv-3687
§
JOWIN EXPRESS, INC. AND PAUL §
BEASLEY § JURY REQUESTED

LIST OF PARTIES, COUNSEL OF RECORD AND STATUS

PLAINTIFF:

Courtney Bell
J.B. and J.B., Minor Children

DEFENDANTS:

Jowin Express, Inc.
Paul Beasley

ATTORNEYS:

ATTORNEY FOR PLAINTIFF:

Brenna Sanchez
SBN: 24068039
FBN:
THE DUNK LAW FIRM, PLLC
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713/223-1435
713/223-1438 (fax)
brenna@dunklawyers.com

ATTORNEY FOR DEFENDANT

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FBN: 14205
LORANCE & THOMPSON, PC
2900 North Loop West, Ste. 500
Houston, TX 77092
713/868-5560
713/864-4671 (fax)
rdo@lorancethompson.com

STATUS OF REMOVED CASE:

October 10, 2016 Plaintiffs' Original Petition with Requests for Disclosure

December 19, 2016 Defendant's Notice of Removal

Defendant, Jowin Express, Inc. has been served with the Plaintiffs' Original Petition with Requests for Disclosure. Defendant Beasley has not been served with process yet. Defendants have not filed responses to written discovery. No depositions have been taken. The matter has not been mediated. The case has no trial setting or other court ordered deadlines.

Respectfully submitted,

/s/ Roger D. Oppenheim

Roger D. Oppenheim
FBN: 14206
SBN: 15292400

OF COUNSEL:

LORANCE & THOMPSON, P.C.
2900 North Loop West, Suite 500
Houston, TX 77092
713/868-5560
713/864-4671 (fax)
rdo@lorancethompson.com
ATTORNEY FOR DEFENDANT
JOWIN EXPRESS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2016, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

Ms. Brenna Sanchez
The Dunk Law Firm, PLLC
4505 Caroline Street
Houston ,TX 77004
brenna@dunklawyers.com

/s/ Roger D. Oppenheim

Roger D. Oppenheim